REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

a) Response to Objection to the Specification

In the outstanding Office Action, the disclosure was objected to because of the following informalities. The Examiner referred to MPEP section 206.08 (the Examiner meant 201.08), stating that a non-provisional application cannot be CIP of a provisional application, and suggested that the Applicants delete or amend the first sentence of the specification, page 1, under the heading "Cross Reference to Related Applications." Applicants respectfully submit that MPEP section 201.08 does not absolutely prohibit the form of priority claim used by the Applicants. MPEP section 201.08 states that "[a]n application claiming the benefit of a provisional application should not be called a 'continuation-in-part' of the provisional application." (emphasis added). In the above-referenced application, such wording was used by the Applicants to alert the Examiner to the fact that new matter had been added, as compared to the provisional application to which priority is claimed for the claims that are supported by its disclosure. Nonetheless, the Applicants have amended the specification to address the Examiner's objection. Accordingly, withdrawal of the Examiner's objection to the specification is respectfully requested.

b) Information Disclosure Statement

The Examiner informed the Applicants that the Information Disclosure Statement filed 4/22/02 had been considered. However, the Examiner has noted that at the top right corner of the IDS, it indicates that there should be two pages, while only one page had been received and considered by the Examiner. Applicants respectfully submit that the header of the PTO-1449, reading "Sheet 1 of 2" should read "Sheet 1 of 1." Thus, all references intended to be submitted by the Applicants as a part of the 4/22/02 IDS were received and considered by the Examiner.

IN THE DRAWINGS

Please replace Figure 3 with the new Figure 3 enclosed herewith. A copy of the replacement sheet 2, containing Figures 2 and 3, is being sent to the official draftsperson concurrently herewith.

c) **Response to Objections to the Drawings**

In the outstanding Office Action, the drawings were objected to as failing to comply with 37 CFR 1.84(p)(4), because reference character "70" was used to refer to the split dome housing, as in the specification, page 14, lines 9, 11 and 23 and in Fig. 3, as well as the insert, as in the specification, page 14, line 31, and in Figs. 6 and 10. To address the Examiner's objection, the Applicants have amended the specification and Figure 3, as set forth above, to replace reference number 70 with reference number 90 when referring to and designating the split dome housing. Applicants respectfully submit that no new matter has been added by this amendment, which merely clarifies the disclosure already present in the application as filed. Thus, withdrawal of the Examiner's objection is respectfully requested.

In the outstanding Office Action, the drawings were also objected to under 37 CFR 1.83(a), which requires that the drawings must show every feature of the invention specified in the claims. Thus, the Examiner required that "the features of the attachment member being an eyebolt assembly having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 6 & 29 and being a swivel hoist ring assembly having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 7 & 30, and the at least one aperture formed in the adapter member for providing flow passage through the adapter member being semi-circular (in shape) as in claims 14, 37 and 43, must be shown or the features should be cancelled from the claims." The Applicants respectfully traverse the Examiner's objections.

Applicants respectfully submit that 37 CFR 1.83(a) acknowledges that "conventional features disclosed in the description and claims, where their detailed description is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation." The Applicants respectfully submit that eyebolt assembles and swivel hoist ring assemblies, considered separately from other features of the subject disclosure, are known to those of ordinary skill in the art and are conventional in the art. Thus,

Applicants' schematic representation of the attachment member 20 in Figs. 1, 4, 6 and 7 in view of what is known and conventional in the art and in conjunction with the description of the attachment member's features provided in the claims (6, 29 and 7, 30) should be sufficient to satisfy 37 CFR 1.83(a). Accordingly, withdrawal of the Examiner's objection in that regard is respectfully requested.

Applicants further submit that the specification of the above-referenced application, e.g., at p. 8, lns. 4-6, teaches that the apertures formed in the adapter member can be circular, semi-circular or any shape which is suitable for providing a crevice-free flow path. Figs. 5A, 5B and 5D show exemplary embodiments of the adapter member constructed according to the subject disclosure, wherein the apertures 48 formed in the adapter member for providing flow passage through the adapter member are shown schematically as being of circular shape. However, it is known and conventional in the art that apertures, such as those shown in Figs. 5A, 5B and 5D, may have any cross-section, including circular and semi-circular cross-sections. Thus, Applicants' schematic representation of the apertures 48 in Figs. 5A, 5B and 5D, in view of what is known and conventional in the art and in conjunction with the description of its features provided in the specification, e.g., at p. 8, lns. 4-6, should be sufficient to satisfy 37 CFR 1.83(a). Accordingly, withdrawal of the Examiner's objection in that regard is respectfully requested.

In the event that the Examiner is not persuaded by the arguments set forth above, upon a notification by the Examiner in that regard, the Applicants will provide additional figures, showing the features of the attachment member being an eyebolt assembly having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 6 and 29 and being a swivel hoist ring assembly having threads associated therewith for engaging corresponding threads formed on the first end portion of the center (elongated) post member, as in claims 7 and 30, and the at least one aperture formed in the adapter member for providing flow passage through the adapter member being semi-circular (in shape) as in claims 14, 37 and 43. Such additional figures would not add new matter, since they

would be added to show features known and conventional in the art and to illustrate the disclosure present in the above-referenced application as filed.

d) Response To Art Rejections

In the outstanding Office Action, claims 1, 5, 13, 15-22 and 38-42 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,528,554 to Ogden et al. ("Ogden"). In that regard, the Examiner stated as follows:

> Regarding claim 1, Ogden et al. disclose an apparatus for handling filter disks (16) comprising a center post member (46) having first and second end portions, an attachment member (12, 42, 50, 56) operatively connected to the first end portion of the center post member (46) and including a means for facilitating lifting (i.e. the mounting bracket 56 with the head member 12) of at least one filter disk (16) from a first position (in filtration position within the housing 10) to a second position (away from the filter housing 10) and an adapter member (28, 31) operatively connected to the second end portion of the center post member (46) and supporting the at least one filter disk (16) which is operatively positioned relative to the center post member (46), as in fig. 4 and in cols. 2 - 3.
>
> Concerning claim 5, Ogden et al. also disclose the first position being an installed position within a filter assembly/housing (10) in which fluid passes through the at least one filter disk (16) operatively positioned relative to the center post member (46) and the second position being a remote location exterior to the filter assembly (10) where the at least one filter disk (16) can be removed from the center post member (28) and replaced with at least one new filter disk thereon, as in col. 3.
>
> With respect to claim 9, Ogden et al. further disclose the attachment member (46) having an outside diameter which is smaller than a central aperture formed in at least one filter disk (18) thereby (capable at least of) allowing the at least one filter disk (18) to be slid over the attachment member (46), as in fig. 4.
>
> Regarding claim 13, Ogden et al. also disclose the adapter member (28) further comprising at least one aperture

(30) formed therein for providing a flow passage through the adapter member (28), as in fig. 4 and in col. 2.

Concerning claim 15, Ogden et al. disclose at least one filter disk (topmost filter disk 16) being operatively positioned relative to the center post (46) by sliding the at least one filter disk (topmost filter disk 16) over the first/second end (i.e. free end nearest the tube/adapter 28) of the center post member (46), as in fig. 4.

Regarding claim 16, Ogden et al. disclose a filter assembly comprising a housing (10) having an interior chamber (15), a central axis and a bottom/top (depending on orientation/ which is the open end) portion, a base member (12) having an opposed upper and lower surfaces and at least an inlet portion (52) and an outlet portion (50) and the upper surface (at lower end of 12 if the open end is considered the bottom portion of the housing 10) being operative to sealingly engage the bottom (open end/top) portion of the housing (10) and at least one insert assembly (14) sealingly engaged within at least one outlet portion (50, 46) of the base member (12) and the insert assembly (14) comprising an upper surface (34) which mates with the upper surface (42, in the vicinity of surface 44) of the base member (12) and a central aperture for sealing engagement with a center post assembly (28, 31, 46) that has at least one filter disk (16) engaged thereon and the central aperture providing a crevice free flow path through the insert assembly (14) when the center post assembly is disengaged therefrom thereby facilitating the cleaning of the interior chamber, as in fig. 4.

With regards to claim 17, Ogden et al. also disclose the upper surface (closest to the housing 10) of the base member (12) having a raised portion (having internal threads which mates with external threads of the housing wall 10) along located peripherally and lower portion (44) positioned adjacent the insert assembly (14), as in fig. 4.

Regarding claim 18, Ogden et al. further disclose the upper surface of the base member (12) having a transition (curved) portion between the raised and lower portions and the transition portion at an angle with respect to the lower portion, as in fig. 4.

Concerning claim 19, Ogden et al. disclose the upper surface of the base member (12) including a raised portion located along the periphery of the upper surface and a central region and the raised portion engaging with the bottom portion (i.e. the open end with external threads) of the housing (10) and connected to the central region by a concave surface, as in fig. 4.

With respect to claim 20, Ogden et al. further disclose the center post assembly comprising a center post member (46) having a first end portion and a second end portion, an attachment member (28) operatively engaged with the first end portion of the center post member (46) and including means (top end 31) for connecting the center post member (46) and disengaging from the at least one insert assembly (14) and an adapter member (42) operatively connected to the second end of the center post member (46) and supporting at least one filter disk (topmost filter disk 16) which is operatively positioned relative to the center post member (46) and the adapter member (42) sealingly engaging the central aperture of the insert assembly (14) via sealing member 34 of the insert assembly (14) when the center post assembly is in the installed position, as in fig. 4.

Regarding claim 21, Ogden et al. disclose the adapter member (42) having at least one circumferential groove (formed by surface 44) for receiving an O-ring (34) and facilitating the sealing engagement of the adapter member (42) with the central aperture of the insert assembly (14), as in fig. 4 and col. 3.

With regards to claim 22, Ogden et al. also disclose the adapter member (42) having at least one aperture (i.e. formed by the central aperture/bore which circumscribe and define the center post 46 and also surrounding the outer peripheries of the attachment member 28) formed therein for providing a flow passage through the adapter member (42) when the center post member (46) is in the installed position, as in fig. 4.

Concerning claim 38, Ogden et al. disclose a filter assembly comprising a housing (10) having an interior chamber (15), a central axis and a bottom portion (or top, depending upon its orientation, which is at the open end thereof), a base member (12) having opposed upper (here

being defined by the examiner as the surface closest to and engaging the open end of the housing 10) and lower (opposing end surface to the "upper" surface which is closest to and engaging the housing 10) surfaces and at least an inlet portion (52) and an outlet portion (50) and the upper surface being operative to sealingly engage the bottom portion (i.e. open end) of the housing (10), at least one insert assembly (filter cartridge assembly, 14) sealingly engaged within the at least one outlet portion (44, 42, 46) of the base member (12) and the insert assembly (14) comprising an upper surface (in the vicinity of 34) which mates with the upper surface (44) of the base member (12), a central aperture (70) for sealing engagement with a center post assembly (46, 28, 62) having at least one filter disk (16, 14) operatively positioned thereon, the central aperture (70) providing a crevice-free flow path through the insert assembly (14) when the center post (46) is disengaged therefrom thereby facilitating the cleaning of the interior chamber (15), at least one filter disk (16) having a central aperture operatively formed therein (i.e. in the filter assembly or housing) and the center post assembly comprising a center post member (46) having first and second end portions, an attachment member (31, 28) operatively connected to the first end of the center post member (46) for operatively connecting and disengaging the center post assembly from the at least one insert assembly (filter stack, 14) and an adapter member (42) operatively connected to the second end of the center post (46) for supporting the at least one filter disk (topmost filter disk 16 of the stack 14) when the at least one filter disk (topmost filter disk 16) is operatively positioned on the center post (46) and for sealingly engaging the central aperture (formed by the adapter member 42 and attachment member 28) when the central post member (46) is in the installed position in the housing (10), as in fig. 4.

Regarding claim 39, Ogden et al. also disclose the upper surface of the base member (12) being downwardly sloped toward the insert assembly (14), as in fig. 4.

With respect to claim 40, Ogden et al. further disclose the upper surface of the base member (12) including a raised portion (i.e. portion with internal threads for mating with external threads at open end of housing 10) located along the periphery of the upper surface and a central region and the raised portion engaging the bottom portion (i.e. open

end) of the housing (10) and connected to the central region by a concave surface, as in fig. 4.

With regards to claim 41, Ogden et al. disclose the adapter member (42) having at least one circumferential groove (formed by surface 44) for receiving an O-ring (34) and facilitating the sealing engagement of the adapter member (42) with the central aperture of the insert assembly (14), as in fig. 4 and col. 3.

Concerning claim 42, Ogden et al. disclose the adapter member (42) comprising at least one aperture (bore which circumscribe the center post member 46 and defined with attachment member 28) formed therein for providing a flow passage through the adapter member when the center post member (46) is in the installed position, as in fig. 4.

Claims 1-3, 5, 8, 12, 16, 20, 24-26, 28, 31, 35 and 38-39 were rejected under 35 U.S.C. §102(b) as anticipated by FR 2,460,154A to Tournaire ("Tournaire"). In that regard, the Examiner stated as follows:

With regards to claim 1, Tournaire discloses an apparatus for handling filter disks/plates (1,2) comprising a center post member (C_1) having first and second end portions, an attachment member (10, 9) operatively connected to the first end portion of the center post member (C_1) and the attachment member including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one filter disk/plate from a first position (which is inside a filter housing) to a second position (away or above from the filter housing) and an adapter member (C_2, 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C_2) is capable of supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C_1), as in figs. 1 - 7 and pages 1 - 6.

Concerning claim 2, Tournaire also discloses the apparatus further comprising a lifting device operatively connected to the attachment member (9) for vertically raising the handling apparatus such that the at least one filter

disk/plate (1, 2) can be transported from the first position to the second position, as in fig. 5.

With respect to claim 3, Tournaire discloses the lifting device comprising a motor powered hoist, as in fig. 5.

Regarding claim 5, Tournaire also discloses the first position being an installed position (assembly) within a filter assembly in which fluid passes through the at least one filter disk (plate, 1, 2) operatively positioned relative to the center post member and the second position being in a remote location exterior to the filter assembly where the at least one filter disk (plate) can be removed (disassembly) from the center post member and replaced with at least one new filter disk, as in pages 3 - 4 and fig. 5.

With regards to claim 8, Tournaire also discloses the attachment member comprising a lifting eye/handle (9) welded (i.e. attached) to the first end portion of the center post member (C_1), as in fig. 5.

Regarding claim 12, Tournaire discloses the adapter member (6) having female threads (i.e. internal threads) formed therein for operatively engaging corresponding male threads (external threads) formed on the second end portion of the center post member (C1), as in figs. 6 - 7 and page 4.

Concerning claim 16, Tournaire discloses a filter assembly comprising a housing having an interior chamber, a central axis and a bottom portion, a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion (14), the upper surface being operative to sealingly engage the bottom portion of the housing and at least one insert assembly sealingly engaged within the at least one outlet portion (14) of the base member and the insert assembly comprising an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly (C_2, C_1) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly (C_1) is disengaged from the base member thereby facilitating the cleaning of the interior chamber, as in figs. 1 and 5 and pages 1 - 6.

With respect to claim 20, Tournaire further discloses the center post assembly comprising a center post member (C_1) having a first end portion and a second end portion, an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C_1) and including a means for connecting (10) to the center post assembly (C_2, C_1) and disengaging from the at least one insert assembly, and an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C_1) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned relative to the center post member and the adapter member sealingly engaging the central aperture of the insert assembly when the center post assembly is in the installed position, as in figs. 5 - 7.

Concerning claim 24, Tournaire discloses a method for handling filter disks/plates from an initial position to a second position comprising the steps/acts of providing at least one filter disk/plate (1, 2), operatively positioning the at least one filter disk/plate onto a handling apparatus (B, C_1, 6) wherein the handling apparatus comprising a center post member (C_1) having first and second end portions, an attachment member (10, 9) operatively connected to the first end portion of the center post member (C_1) and the attachment member including a means for facilitating (in the form of a lifting eye/handle at the top thereof, 9) the lifting of at least one filter disk/plate from an initial position (which is inside a filter housing) to a second position (away or above from the filter housing) and an adapter member (C_2, 11, 6) operatively connected to the second end portion (lower end) of the center post member wherein the adapter member (6, C_2) is capable of supporting at least one filter disk (lowermost filter disk/plate) which is operatively positioned relative to the center post member (C_1), attaching a hoist device to the handling apparatus (B, C_1, 6) and vertically raising the handling apparatus and the at least one filter disk/plate in the block B and relocating the at least one filter disk/plate from the initial position (within the housing) to the second position (outside/above the base member of the housing), as in figs. 1 & 5 - 7 and pages 1 - 6.

Regarding claim 25, Tournaire further discloses an apparatus for handling filter disks/plates comprising an elongated post member (C_1) having first and second end

portions, an attachment member (10, 9) operatively connected to the first (top) end portion of the elongated post member, the attachment member providing means (9) for facilitating the lifting of the handling apparatus from an installed position to a remote location and the installed position being when the handling apparatus is operatively positioned within a filter housing and the remote location being a location exterior of the housing, as in fig. 5 and an adapter member (6, C_2) operatively connected to the second (bottom) end portion of the elongated post member (C_1) and the adapter member supporting at least one filter disk (i.e. lowermost filter plate/disk) which is operatively positioned relative to the elongated post member and a lifting device (hoisting machine which connects to the hook/handle 9 of the attachment member) operatively connected to the attachment member (9, 10) for vertically raising the handling apparatus such that the at least one filter disk/plate (or the whole stack of plates, B) can be transported from the installed position to the remote location, as in figs. 1 - 7 and pages 1 - 6.

With regards to claim 26, Tournaire also discloses the lifting device comprising a motor powered hoist, as in fig. 5.

Regarding claim 28, Tournaire discloses the remote location is where at least one filter disk/plate can be removed (dismantled) to be cleaned and if damaged, can be replaced with a new filter disk, as in pages 1 - 4 and fig. 5.

Concerning claim 31, Tournaire further discloses the attachment member comprising a lifting eye/hook (9) welded (i.e. affixed) to the first end portion of the elongated post member (C_1), as in fig. 5 and page 4.

With respect to claim 35, Tournaire discloses the adapter member (6) having female threads (internal threads for screwing) for operatively engaging with corresponding male threads (external threads) formed on the second end portion of the elongated post member (C_1), as in page 4 and fig. 6.

Regarding claim 38, Tournaire discloses a filter assembly comprising a housing having an interior chamber, a central axis and a bottom portion, a base member having opposed upper and lower surfaces and at least an inlet

> portion and an outlet portion (14), the upper surface being operative to sealingly engage the bottom portion of the housing and at least one insert assembly sealingly engaged within the at least one outlet portion (14) of the base member and the insert assembly comprising an upper surface which mates with the upper surface of the base member and a central aperture for sealing engagement with a center post assembly (C_2, C_1) that has at least one filter disk/plate engaged thereon and the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly (C_1) is disengaged from the base member thereby facilitating the cleaning of the interior chamber, at least one filter disk/plate having a central aperture operatively formed therein and a center post assembly comprising a center post member (C_1) having a first end portion and a second end portion, an attachment member (10, 9) operatively engaged with the first end portion (at the top end of the center post member (C_1) and including a means for connecting (10) to the center post assembly (C_2, C_1) and disengaging from the at least one insert assembly, and an adapter member (6) operatively connected to the second end portion (bottom end) of the center post member (C_1) and supporting the at least one filter disk/plate (i.e. the lowermost filter plate in the block B) which is operatively positioned on the center post member and the adapter member sealingly engaging the central aperture of the insert assembly when the center post assembly is in the installed position, as in figs. 1 and 5 and pages 1 - 6.
>
> Concerning claim 39, Tournaire discloses the upper surface of the base member being downwardly sloped towards the insert assembly, as in figs. 5 - 6.

Applicant hereby traverses the Examiner's rejections and respectfully submits that all currently pending claims are patentably distinguishable over Ogden and Tournaire. Concerning the 35 U.S.C. § 102(b) rejections, as the Examiner knows, MPEP §2131 provides:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must

> be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Contrary to Examiner's assertions, Ogden does not disclose all elements of any of the claims of the above-referenced application, either explicitly or inherently. Ogden describes a container for holding a replaceable filter cartridge, including a bottom housing member or bowl threadably secured to a top housing member or cover plate. External ribs hold the container in an upright position on a horizontal surface. The replaceable filter cartridge includes a plurality of annular filter pads stacked between a pair of annular compression plates. Each of the filter pads includes a screen disposed in the interior thereof for draining purified water that has passed through the pads into a centrally disposed perforated sleeve.

With regard to the Examiner's rejection of claim 1, Ogden does not disclose an apparatus for handling filter disks, to which claim 1 is directed. Instead, Ogden describes a container or holder for a replaceable filter cartridge. (See, e.g., Ogden, col. 2, lns. 2-4 and 45, and col. 3, lns. 50-51). The Examiner asserts that element 46 of Ogden is a "center post member" as required by claim 1. However, as it is apparent from Fig. 4 of Ogden as well as its specification, e.g., col. 3, lns. 11-16, element 46 is a centrally disposed inner tube that extends from the top housing member and terminates at the outlet port of the cartridge, threadably engaging a perforated sleeve that extends through the cartridge. Thus, the inner tube 46 is substantially different from a "central post" as required by claim 1 and as defined by the Applicants.

The Examiner also pointed to elements 12, 42, 50, and 56 as allegedly constituting an "attachment member operatively connected to the first end portion of the center post member," as required by claim 1. However, the specification of Ogden defines these elements as follows: (a) 12 is the upper housing member or cover plate (Ogden, col. 3, ln. 8); (b) 42 is an outer ring extending inwardly from the top of the housing member (Ogden, col. 3, lns. 8-9); (c) 50 is a threaded outlet port for draining purified water from the interior of the cartridge unit (Ogden, col. 3, lns. 14-15); and (d) 56 is a mounting bracket for mounting the cartridge container on a wall or other suitable surface (Ogden,

col. 3, lns. 21-24). None of these elements constitute or are similar to the attachment member as described in the above-referenced application and required by its claims.

In any case, Ogden neither discloses not suggests a "means for facilitating the lifting of at least one filter discs from a first position to a second position," which is not surprising, since the disclosure of Ogden is directed to a container or holder for a filter cartridge. The mounting bracket 56 in conjunction with the head member 12 do not constitute a structure such as or equivalent to that disclosed by the Applicants. Furthermore, Ogden neither discloses not suggests that the mounting bracket 56 in conjunction with the head member 12 may be used for lifting the filter pads 16.

The Examiner further points to elements 28 and 31 as constituting an adapter member as required by claim 1. However, according to the disclosure of Ogden, 28 is a perforated sleeve disposed within the central openings of the filter pads 16 (See Ogden, col. 2, lns. 58-63 and Fig. 4), while 31 is an enlarged head portion of the perforated sleeve 28 (See Ogden, col. 2, lns. 67-68). Neither of these elements constitutes or is similar to the adapter member as described in the above-referenced application and required by its claims.

Thus, Ogden does not disclose or suggest all elements of independent claim 1. Claims 5, 9, 13 and 15, which depend on claim 1 and include its limitations, are not anticipated by Ogden at least for the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Ogden contains every element recited in the claims 1, 5, 9, 13 and 15 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging same is respectfully requested.

With regard to the Examiner's rejection of claim 16, Ogden does not disclose all elements of the claim. For example, claim 16 requires "a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion, the upper surface being operative to sealingly engage the bottom portion of the housing." In contrast, the container described in Ogden has a bowl-shaped bottom housing member 10 that does not include an inlet or outlet portion (See Ogden, Figs. 1-5). Instead, Ogden teaches the use of inlet and outlet associated with the top plate 12 (See Figs. 1, 4 and 5),

which is located at the top of the container, and not in the base member of the assembly as required by claim 16.

Thus, Ogden does not disclose or suggest all elements of independent claim 16. Claims 17-22, which depend on claim 16 and include its limitations, are not anticipated by Ogden at least for the reasons set forth above. The Examiner's suggestion that the container disclosed in Ogden should be inverted in order to correspond to what is required by claim 16 (as well as dependent claims 17-22) supports the Applicants position that Ogden does not anticipate claim 16. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Ogden contains every element recited in the claims 16-22 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging same is respectfully requested.

With regard to the Examiner's rejection of claim 38, Ogden does not disclose all elements of the claim. For example, similar to claim 16, claim 38 requires "a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion, the upper surface being operative to sealingly engage the bottom portion of the housing." On the other hand, similar to claim 1, claim 38 requires "a center post member," "an attachment member" and "an adapter member." Thus, claim 38 is not anticipated by Ogden for at least the same reasons as claims 1 and 38. Claims 39-42, which depend on claim 38 and include its limitations, are also not anticipated by Ogden at least for the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Ogden contains every element recited in the claims 38-42 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging same is respectfully requested.

Tournaire also does not disclose all elements of any of the claims of the above-referenced application, either explicitly or inherently. Tournaire describes encased filters with stacked tiered plates, wherein the plates are tightened by means of a two-piece central tie rod, which may be driven by a screw-nut pair, and wherein the filter is maintained water-tight by a gland or analogous system. The upper piece of the tie rod is

affixed to a filtration block and the lower piece is affixed to the filter or bell case. The lower portion of the tie rod includes means for coupling and uncoupling the two pieces of the rod. The means consist of a threaded knob or coupler for assembling the two pieces and a ratchet mechanism located at the lower end of the piece affixed to the filter. Assembly of the two pieces of the tie rod is enabled by means of a lower ratchet driving a square and by means of an upper ratchet driving a nut, thus bringing the tie rod under tension. The rotation of the lower piece of the tie rod, driven by the lower ratchet, assembles the two pieces by means of the threaded knob, whereas the upper ratchet driving the nut provides the traction needed to tighten the stack of plates and filter papers. The two pieces may be uncoupled by means of springs and spacers.

With regard to the Examiner's rejection of claim 1, Tournaire does not disclose all elements of the claim. For example, Tournaire does not disclose a center post member as required by the claim and as defined by the Applicants. Instead, Tournaire teaches that a two-piece tie rod in combination with a gland be used, which is substantially different from the center post member required by claim 1. In fact, Tournaire asserts, at p. 3 and referring to Fig. 1, that single-piece central rods are inconvenient to use.

Further, Tournaire does not disclose an adapter member as required by claim 1 and as defined by the Applicants. The Examiner points to elements C2, 11 and 6 that allegedly constitute such an adapter. However, Tournaire defines C2 as the lower end of the two-piece tie rod (Tournaire, p. 4, 2nd paragraph), 11 as compression springs (Tournaire, p. 4, 4th paragraph), and 6 as a threaded knob for assembling the two pieces of the tie rod together (Tournaire, p. 4, 2nd paragraph). Thus, none of these or other elements of the assembly described in Tournaire, alone or in combination, constitute an adapter member as disclosed by the Applicants or similar thereto. Thus, Tournaire does not disclose or suggest all elements of independent claim 1. Claims 2, 3, 5, 8 and 12, which depend on claim 1 and include its limitations are not anticipated for at least the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Tournaire contains every element recited in claims 1, 2, 3, 5, 8 and 12 of the subject application in as complete detail as contained therein and

arranged as recited therein, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claim 16, Tournaire does not disclose all elements of the claim. For example, claim 16 requires "a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion, the upper surface being operative to sealingly engage the bottom portion of the housing." In contrast, the filters described in Tournaire include a filter or bell case, to which the lower end of the tie rod is affixed, and the filtration block, to which the upper piece of the tie rod is affixed (See Tournaire, p. 2). Further, claim 16 requires "an insert assembly sealingly engaged within the at least one outlet portion of the base member, the insert assembly comprising: an upper surface that mates with the upper surface of the base member; and a central aperture for sealing engagement with a center post assembly ... the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly is disengaged therefrom thereby facilitating the cleaning of the interior chamber." Tournaire does not disclose or suggest such an insert. Thus, Tournaire does not disclose or suggest all elements of independent claim 16. Claim 20, which depends on claim 16 and includes its limitations is not anticipated for at least the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Tournaire contains every element recited in claims 16 and 20 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claim 24, Tournaire does not disclose all elements of the claim. For example, Tournaire does not disclose a center post member as required by the claim and as defined by the Applicants. Instead, Tournaire teaches that a two-piece rod be used, wherein water-tight operation is maintained by means of a gland, which is substantially different from the center post member required by claim 24. In fact, Tournaire asserts, e.g., at pp. 1-2 and 3, that single-piece central rods suffer from various disadvantages.

Further, Tournaire does not disclose an adapter member as required by claim 24 and as defined by the Applicants. The Examiner points to elements C2, 11 and 6

that allegedly constitute such an adapter. However, Tournaire defines C2 as the lower end of the two-piece tie rod (Tournaire, p. 4, 2nd paragraph), 11 as compression springs (Tournaire, p. 4, 4th paragraph), and 6 as a threaded knob for assembling the two pieces of the tie rod together (Tournaire, p. 4, 2nd paragraph). None of these or other elements of the assembly described in Tournaire, alone or in combination, constitute an adapter member as disclosed by the Applicants or similar thereto. Thus, Tournaire does not disclose or suggest all elements of independent claim 24. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Tournaire contains every element recited in claim 24 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claim 25, Tournaire does not disclose all elements of the claim. For example, Tournaire does not disclose an elongated post member as required by the claim and as defined by the Applicants. Instead, Tournaire teaches that a two-piece rod be used, wherein water-tight operation is maintained by means of a gland, which is substantially different from the center post member required by claim 25. In fact, Tournaire asserts, e.g., at pp. 1-2 and 3, that single-piece central rods suffer from various disadvantages.

Further, Tournaire does not disclose an adapter member as required by claim 25 and as defined by the Applicants. The Examiner points to elements C2, 11 and 6 that allegedly constitute such an adapter. However, Tournaire defines C2 as the lower end of the two-piece tie rod (Tournaire, p. 4, 2nd paragraph), 11 as compression springs (Tournaire, p. 4, 4th paragraph), and 6 as a threaded knob for assembling the two pieces of the tie rod together (Tournaire, p. 4, 2nd paragraph). Thus, none of these or other elements of the assembly described in Tournaire, alone or in combination, constitute an adapter member as disclosed by the Applicants or similar thereto. Thus, Tournaire does not disclose or suggest all elements of independent claim 25. Claims 26, 28, 31 and 35, which depend on claim 25 and include its limitations, are not anticipated by Tournaire at least for the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Tournaire contains every element recited

in claims 25, 26, 28, 31 and 35 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claim 38, Tournaire does not disclose all elements of the claim. For example, similar to claim 16, claim 38 requires "a base member having opposed upper and lower surfaces and at least an inlet portion and an outlet portion, the upper surface being operative to sealingly engage the bottom portion of the housing" and "an insert assembly sealingly engaged within at least one outlet portion of the base member, the insert assembly comprising: an upper surface that mates with the upper surface of the base member; and a central aperture for sealing engagement with a center post assembly ... the central aperture providing a crevice-free flow path through the insert assembly when the center post assembly is disengaged therefrom thereby facilitating the cleaning of the interior chamber." Also, similar to claim 1, claim 38 requires "a center post member," "an attachment member" and "an adapter member." Thus, claim 38 is not anticipated by Tournaire for the same reasons as claims 1 and 16. Claim 39, which depends on claim 38 and includes its limitations, is not anticipated by Tournaire at least for the reasons set forth above. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing that Tournaire contains every element recited in claims 38 and 39 of the subject application in as complete detail as contained therein and arranged as recited therein, and an action acknowledging the same is respectfully requested.

In the outstanding Office Action, the Examiner also rejected claims 10-11, 14, 23 and 43 under 35 U.S.C. §103(a) as being unpatentable over Ogden. In that regard, the Examiner stated as follows:

> With regards to claims 10 - 11, Ogden et al. disclose the adapter member (which is the tube 28 in this particular embodiment) being configured to support a *plurality* of filter disks (16), which include a number of at least 14 filter disks (claim 10), and even, at least 56 filter disks (claim 11), as in col. 2 and fig. 4. It is considered obvious to one of ordinary skill in the art at the time of the invention that the exact number of filter disks to be supported by the adapter member

> would depend upon the choice of the manufacturer and requirements of the application (i.e. amount of fluid to be filtered therethrough), as well as thickness of each filter disk, overall length of the adapter member and size of the housing.
>
> Concerning claims 14, 23 and 43, Ogden et al. do not teach/disclose the shape of the at least one aperture defined by the adapter member being semi-circular. The case law, ***In re Dailey***, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (the adapter having at least one aperture which is semicircular in shape) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed invention was significant. In this particular instance, the shape of the aperture defined by the adapter member would depend not only on the choice of the manufacturer and (cross-sectional) shape of the adapter member and flow characteristics therethrough. A semi-circular shape for the aperture instead of a conventional circular one (taught by Ogden et al.) could be chosen if flow is to be restricted or divided as it passes through the adapter member, thereby slowing down a bit the discharging of the filtered fluid from the filter assembly, compared to a conventional circular aperture/flow passage.

Claims 4 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tournaire in view of U.S. Design Patent No. 349,996 to Litwiller ("Litwiller") or U.S. Patent No. 4,635,903 to Broyden et al. ("Broyden"). In that regard, the Examiner stated:

> Regarding claims 4 and 27, Tournaire fails to disclose the lifting device comprising a manually operated chain hoist. It is well known in the art of handling and transporting articles, including those for handling and transporting filter disks in stacked arrangement (such as the one taught by Tournaire) that hoists or lifting devices come in different forms and there are those available which are electrically (motor) powered and those which are manually operated chain hoists. The type and choice of lifting device to be used with a particular handling and transporting of articles, depends on the user and the weight of the load [i.e.

> in this case the overall weight of the disks in the stack arrangement plus its handling assembly (i.e. the center post and attachments)]. If the weight is not too much, then a normal operator/person can probably hoist it up with a manually operated chain hoist. However, if the load is too much, an electrically/motor powered hoist would be the desirable choice. Furthermore, using a manually operated chain hoist versus a motor powered hoist as a lifting device would save the user some (electric) power costs but on the other hand would require a reliable and able (strong) person to operate a manually operated chain hoist. There are also two different types of manually operated chain hoists. One, which is taught by Litwiller (996), involves merely hooking up the attachment member to the hook/ring end of the chain hoist and the operator cranks up the handle portion for pulling up the end of the chain hoist, as in figs. 7 - 8. Alternatively, a much improved and better manually operated chain hoist would the one taught by Broyden et al. (903), in which it involved the operator turning on switches which in turn raises and lowers the chain hoist that lifts or lowers the load (which in this case would be a stack of filter disks and its handling apparatus/center post and attachment). The manually operated chain hoist taught by Broyden et al. is considered a better and improved lifting device because it does not require a lot of physical strength to operate the chain hoist and the operator can precisely raise the load to a particular height without worrying about accidentally dropping the load.

Claims 6, 9, 29 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tournaire in view of U.S. Patent No. 3,900,400 to Whitfield ("Whitfield"). In that regard, the Examiner stated:

> With regards to claims 6 and 29, Tournaire fails to disclose an attachment member being an eyebolt assembly with threads associated therewith for engaging with corresponding threads formed on the first end portion of the center post member. Whitfield teaches a lifting attachment member being in the form of an eyebolt assembly (111, 112) having threads associated therewith for engaging corresponding threads which may be formed on a first end portion (which would be for mating with) of a center post

member (60) which supports or has at least one filter (in the form of a disk or in tubular form) thereon, as in figs. 1 - 3 and cols. 3 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of the apparatus/filter assembly of Tournaire, in lieu of the attachment member taught by Whitfield, in order to provide an alternative design and provide an attachment member which is removable thereby allowing complete disassembly of the apparatus for cleaning and replacement thereof, if necessary. It is considered obvious that after several or long use of the lifting attachment member with the lifting device that the attachment member would either become damaged or simply deteriorate as time passes. It would be more cost-efficient to replace an attachment member which is removable (such as the one taught by Whitfield) than replacing the entire handling apparatus of Tournaire.

Concerning claims 9 and 32, Tournaire fails to disclose the attachment member has an outside diameter which is smaller than a central aperture formed in the at least one filter disk thereby allowing the at least one filter disk to be slid over the attachment member. Whitfield teaches the attachment member (111, 112) having an outside diameter which is smaller than a central aperture (formed by central tube 96) formed in the at least one filter disk/element thereby allowing the at least one filter disk/element to be slid over the attachment member (111, 112), as in figs. 2 - 3. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the attachment member of Tournaire by substituting it with the one taught by Whitfield in order to provide an attachment member which enables easy assembly and disassembly of filter elements/disks disposed on a center post member attached therewith, thereby making the changing and replacement of those dirty/damaged filter elements/disks a lot quicker and easier.

Claims 10 - 11, 13 - 14, 33 - 34 and 36 - 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tournaire. In that regard, the Examiner stated:

Concerning claims 10 - 11 and 33 - 34, Tournaire disclose the adapter member (6 with C_1 and C_2) being configured to support a *plurality* of filter disks (plates to form the filtration block B), at least 3 - 7 is shown in figs. 1 -

2, and it is considered that a plurality (which is more than one) includes a number of at least 14 filter disks (claims 10 and 33), and even, at least 56 filter disks (claims 11 and 34), as in pages 1 - 4. It is considered obvious to one of ordinary skill in the art at the time of the invention to modify the number of filter disks/plates and that the exact number of filter disks to be supported by the adapter member would depend upon the choice of the manufacturer and requirements of the application (i.e. amount of fluid to be filtered therethrough), as well as thickness of each filter disk, overall length of the adapter member and weight/load that it could carry/support and size of the housing.

With regards to claims 13 - 14 and 36 - 37, although Tournaire do not disclose explicitly the adapter member (6) having at least one aperture which is semi-circular for providing a flow passage therethrough when the center post member is in the installed position, it is considered obvious to one of ordinary skill in the art that there has to be at least one aperture (i.e. one that is formed by the edges of the adapter member with the inner surfaces of the insert assembly (conduit by the outlet portion at the base member), which may have a cross-sectional shape which is almost semi-circular or circular when the center post member (C_1) is in the installed position, allowing fluid flow (i.e. forming a flow passage) therethrough and out towards the outlet (14), as in figs. 5 and 7. The case law, ***In re Dailey***, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), provided (The court held) that the configuration of the claimed invention (a disposable plastic nursing container) was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed invention was significant. In this instance, there is no persuasive evidence in the applicant's specification that a semi-circular shape for the flow passage aperture formed in the adapter member being significant (see pages 8 and 16 of the specification), and therefore, considered to be a matter of choice of design/shape to form the at least one aperture formed in the adapter member to be semi-circular.

The Applicants respectfully submit that the determination of obviousness rests on whether the claimed invention as a whole would have been obvious to a person of

ordinary skill in the art at the time the invention was made. *Kahn v. General Motors Corp.*, 135 F.3d 1472, 45 U.S.P.Q.2d 1608 (Fed. Cir. 1998). In determining obviousness, four factors should be weighed: (1) the scope and content of the prior art, (2) the differences between the art and the claims at issue, (3) the level of ordinary skill in the art, and (4) secondary considerations that may be present. *Graham v. John Deere Co.*, 383 U.S. 1 (1966); *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1 U.S.P.Q.2d 1593 (Fed. Cir. 1987), *cert. denied*, 481 U.S. 1052 (1987). Among the factors supporting a finding of non-obviousness are satisfaction of a long-felt need, failure of others to find a solution to the problem at hand, and copying of the invention by others. *Pro-Mold and Tool Co., Inc. v. Great Lakes Plastics, Inc.*, 75 F.3d 1568, 37 U.S.P.Q.2d 1626 (Fed. Cir. 1996)

In establishing obviousness under section 103, the Examiner carries the burden of presenting a *prima facie* case, *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988), and must show that the reference(s) relied on teach or suggest all of the limitations of the claims. *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor. *Para-Ordance Manufacturing, Inc. v. SGS Importers International, Inc.*, 73 F.3d 1085, 37 U.S.P.Q.2d 1237 (Fed. Cir. 1995), *cert. denied*, 117 S.Ct. 80 (1996).

Concerning the 35 U.S.C. § 103 (a) rejections, as the Examiner knows, the PTO recognizes in MPEP §2142:

> The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process. [citations omitted]. The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness . . . . The initial evaluation of *prima facie* obviousness thus relieves both the examiner and applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention.

When determining the differences between the prior art and the claims at issue, it is essential to view the claims at issue as "the invention as a whole." 35 U.S.C. § 103. It is legally improper to focus on the obviousness of substitutions and differences between the claimed invention and the prior art rather than on the obviousness of the claimed invention *as a whole* relative to that prior art. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1383, 231 U.S.P.Q. 81, 93 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987).

Furthermore, according to MPEP §2143:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations . . .

Thus, while obviousness may be found by combining references, absent a suggestion to combine the references such combination is inappropriate. *Texas Instruments Inc. v. U.S. Int'l Trade Comm'n*, 988 F.2d 1165, 26 U.S.P.Q.2d 1018 (Fed. Cir. 1993). It is insufficient that the prior art discloses the components of the claims sought to be patented. A teaching, suggestion or incentive to make the combination is required for the combination of the art to demonstrate obviousness. *Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 15 U.S.P.Q.2d 1321 (Fed. Cir. 1990). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills;* 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

With regard to the Examiner's rejection of claims 10, 11, 14, 23 and 24 as being unpatentable over Ogden, the Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to modify the disclosure of Ogden to arrive at the subject matter of these claims as a whole. As per the discussion of the Examiner's anticipation rejections, Ogden does not disclose an apparatus or method for handling filter

disks, but instead, it describes a container or holder for a replaceable filter cartridge. In addition, Ogden does not disclose, e.g., a center post member, an attachment member and an adapter member, as required by the claims and as defined by the Applicants (see discussion above). Furthermore, Ogden does not contain anything that would suggest or provide motivation to one of ordinary skill in the art to modify its disclosure to arrive at the subject matter of claims 10, 11, 14, 23 and 24, including all of their limitations, and with reasonable expectation of success. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a prima facie case of obviousness of claims 10, 11, 14, 23 and 24 in view of Ogden and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claims 4 and 27 as being unpatentable over Tournaire in view of Litwiller or Broyden, the Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to combine the disclosure of Tournaire with the disclosure of Litwiller or Broyden to arrive at the subject matter of these claims as a whole. Moreover, even if combined, the references do not disclose or suggest all elements of the claims. For example, as per the discussion of Examiner's anticipation rejections, Tournaire does not disclose, e.g., a center post member and an adapter member, as required by the claims and as defined by the Applicants (see discussion above). On the contrary, Tournaire teaches away from the present invention by stating, e.g., at pp. 1-2 and 3, that single-piece central rods suffer from various disadvantages. Neither Litwiller nor Broyden fill the gap in the disclosure of Tournaire. Litwiller is a design patent directed to an ornamental design for a hoist, while Broyden is directed to pendant control arrangements for overhead electric hoists. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a prima facie case of obviousness of claims 4 and 27 in view of Tournaire and Litwiller or Broyden, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claims 6, 9, 29 and 32 as being unpatentable over Tournaire in view of Whitfield, the Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to combine the disclosure of Tournaire with the disclosure of Whitfield to arrive at the subject matter of these claims as

a whole. Moreover, even if combined, these references also do not disclose or suggest all elements of the claims. For example, as per the discussion of Examiner's anticipation rejections, Tournaire does not disclose, e.g., a center post member and an adapter member, as required by the claims and as defined by the Applicants (see discussion above). On the contrary, Tournaire teaches away from the present invention by stating, e.g., at pp. 1-2 and 3, that single-piece central rods suffer from various disadvantages. Whitfield does not fill the gap in the disclosure of Tournaire. Whitfield is directed to a dual filter arrangement including an elongated container having a pair of oppositely disposed end plates and a plurality of ports defined therein for fluid ingress and egress. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a prima facie case of obviousness of claims 6, 9, 29 and 32 in view of Tournaire and Whitfield, and an action acknowledging the same is respectfully requested.

With regard to the Examiner's rejection of claims 10-11, 13-14, 33-34 and 36-37 as being unpatentable over Tournaire, the Applicants respectfully submit that it would not have been obvious to one of ordinary skill in the art to modify the disclosure of Tournaire to arrive at the subject matter of these claims as a whole. As per the discussion of Examiner's anticipation rejections, Tournaire does not disclose, e.g., a center post member and an adapter member, as required by the claims and as defined by the Applicants (see discussion above). Furthermore, Tournaire does not contain any disclosure that would suggest or provide motivation to one of ordinary skill in the art to modify its disclosure to arrive at the subject matter of claims 10-11, 13-14, 33-34 and 36-37, including all of their limitations, and with reasonable expectation of success. On the contrary, Tournaire teaches away from the present invention by stating, e.g., at pp. 1-2 and 3, that single-piece central rods suffer from various disadvantages. Therefore, Applicants respectfully submit that the Examiner has failed to meet the burden of establishing a prima facie case of obviousness of claims 10-11, 13-14, 33-34 and 36-37 in view of Tournaire and an action acknowledging the same is respectfully requested.

In conclusion, after entry of the this paper, it is Applicants' position that the subject application is now in condition for allowance and an action acknowledging same is respectfully requested. If after reviewing this amendment and response, should the

Examiner have questions or require additional information, the Examiner is cordially invited to call the undersigned attorney, so this case may receive an early notice of allowance. Such action is earnestly solicited.

Any fees or charges due as a result of filing the present paper may be charged against Deposit Account No. 11-0231.

Respectfully submitted,

June 12, 2003

Anna A. Kobilansky, Reg. No. 53,146
Agent for Applicants

Four Stamford Plaza
P.O. Box 120
Stamford, CT 06904-0120
Tel. No. (203) 351-4192

.StmLib1:1017429.1 06/12/03